

DRAFT

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

JOHN M. M. CALDWELL, PRESIDENT, PRESIDING

December 1, 1997

A. CALL TO ORDER

The December 1, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

James Albert Riley, the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Jessie Medlin-----District 1
Eugene C. Thach-----District 2
James D. Pearson-----District 3
John Caldwell-----District 4
Tommy Lewis-----District 5
W. E. ASluggo@ Davis-----Chancery Clerk
James Albert Riley-----Sheriff
Clovis Reed-----County Administrator
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by County Administrator Clovis Reed.

C. ACCEPTING MINUTES FOR NOVEMBER

This item was held over until Wednesday, December 3, 1997.

D. DALE THOMPSON

1. County Bills

Comptroller Dale Thompson presented the claims docket showing each departments= standing as of November 30, 1997. Several items were discussed that were listed on the docket including:

1. County employees being paid for jury duty and the amount not being deducted from their pay;
2. Supervisor Eugene Thach asked Sheriff James Albert Riley to supply a breakdown of prisoner medical services so cities can share medical expenses for their inmates;
3. Supervisor James Pearson asked if the charge on the claims docket for Safety Lights for \$167.00 is for the sewer. Supervisor Pearson said that there are no

teams playing baseball and asked Jim Bearden, Director of Operations and Maintenance to see that the units are taken up and to verify the sewer has been fixed;

4. County Administrator Clovis Reed notified the Board of Supervisors that Serenity House, presented by Judith Blaze is not likely to happen. Mr. Reed said the Oxford Center may come back for additional funds;

5. The Board of Supervisors discussed the Laidlaw bill for the environmental day. Jim Bearden said this will be replaced by grant money, and said the County will get just over \$9,000.00 from DEQ. DeSoto Beautiful, who supplied food for the volunteers will have to be reimbursed for their expenses. Comptroller Dale Thompson told Jim Bearden she needs to know the total amount of the anticipated reimbursement to assure these bills are coded correctly;

6. The procurement card process was discussed. Supervisor Tommy Lewis asked for assurance there are sign out procedures in place track the card usage. The Board agreed that the process was set up to save time for the County.

Supervisor Jessie Medlin asked about the interest rate. County Administrator Clovis Reed said since it is paid monthly, there is no interest charged.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. The Comptroller, Dale Thompson recommended the Board of Supervisors approve the budget amendment for Solid Waste as follows:

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. The Comptroller, Dale Thompson recommended the Board of Supervisors approve the budget to pay Tru Text for the transcript of Gooch vs. Bearden as follows:

Increase	001-123-559	Transcript Fees	\$750.00
Lower	001-000-001	Gen Fund Cash Balance	\$750.00

Supervisor Tommy Lewis made the motion and Supervisor James Pearson seconded the motion to pay the bills as presented by the Comptroller and to approve the budget amendments for Transcript Fees and for Solid Waste as recommended by the Comptroller. The **motion passed** by a unanimous vote.

The Comptroller, Dale Thompson told the Board of Supervisors that it is time for approval for the allowance of lost cost for the constables at \$1,000.00 each. Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize payment to the constables for lost cost at \$1,000.00 each. The **motion passed** by a unanimous vote.

2. (Other) Budget Amendments

The Comptroller explained that the bills in connection with the cleaning of property belonging to Ben Payne were charged to Central Maintenance, and asked for clarification to properly charge bills for cleaning of property. The County Administrator, Clovis Reed asked the Board Attorney for proper handling of this issue. The Board Attorney said that procedure has never been established, but pointed out that the issue originates in the Planning Commission.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. The Comptroller, Dale Thompson recommended the Board of Supervisors approve the budget in connection with the cleaning of property belonging to Ben Payne as follows:

Increase Planning Commission	001-107-581	\$810.00
Lower General Fund Cash Balance	001-901-999	\$810.00

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the budget amendment as recommended by the Comptroller in connection with the cleaning of property. The **motion passed** by a unanimous vote.

3. Transfer of Truck Title for Lewisburg Fire Truck

The Comptroller, Dale Thompson asked if the County should keep the title of the fire trucks in the County=s name? The Board Attorney said fire trucks should be titled to the individual fire departments.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to transfer title of the Lewisburg fire truck to the Lewisburg Fire Department. The **motion passed** by a unanimous vote.

4. ACI Fire Truck - Disposition of Funds From State

The Comptroller, Dale Thompson, notified the Board of Supervisors of a request she has received from the ACI Fire Department for the \$50,000.00 allocation from the State for the purchase of the fire truck to be transferred to them to pay their lien at the bank. The County Administrator said the Comptroller should get the purchase documents for the truck to file in connection with the transfer of funds. The Board Attorney, William Austin, said the check should be made jointly to the ACI Fire Department and the bank. Supervisor Tommy Lewis said the County should make sure they are following State guidelines for these funds.

The County Administrator said that all grants should be handled through the Director of Administrative Services. These files should be kept in the County Administrator=s office.

Supervisor Tommy Lewis asked who is responsible to see the County is holding the truck at least the appropriate length of time.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the disposition of State funds contingent on receiving purchase documentation for the truck and to direct payment to be made to ACI Fire Department and the bank. The **motion was withdrawn** to find out how long the truck should be held. **See Exhibit D.4.**

5. Investment of Surplus Funds

In accordance with Section 19-2-29 of the Mississippi Code, which states that whenever any county shall have on hand any bond and interest funds, any funds derived from the sale of bonds, special funds, or any other funds in excess of the sums which will be required to meet the current needs and demands of no more than seven (7) business days, the Board of Supervisors of such county shall invest such excess funds.

At the recommendation of the Comptroller, Dale Thompson, Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to approve the investment of surplus funds to Trustmark National Bank for \$1,946,000.00 for 43 days, and for \$1,700,000.00 for 64 days as they were the high bidder, and for Peoples Bank & Trust for \$1,170,000.00 for 92 days, and for \$957,000.00 for 120 days, and for \$687,300.00 for 155 days. The **motion passed** by a unanimous vote. **See Exhibit D.5.a.**

6. Transfer of Metro Narcotics Seized Funds to Forfeitures

At the recommendation of the Comptroller, Dale Thompson, Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to authorize and instruct the Chancery Clerk of the Board of Supervisors, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, and pursuant to the attached Declaration of Forfeiture signed by County Attorney Larry Vaughn on Defendant Shanasee Derryberry - \$840.00, to transfer the following forfeited funds that were seized by Metro Narcotics:

From	623-900-950	Metro Seized	\$840.00
To	105-000-384	Metro Forfeitures	\$840.00

Furthermore, this Board does approve, pursuant to Section 19-11-19 of the Mississippi Code of 1972, as amended, amending the Metro Narcotics operating budget as stated above. That this portion of the minutes shall be forwarded to the Comptroller, the Sheriff=s Department, and the Unit Commander of the Metro Narcotics Unit. The **motion passed** by a unanimous vote. **See Exhibit D.6.**

E. OLD BUSINESS

1. Appointment

This item was held over. **See Exhibit E.1.**

2. Jane Heidleburg - Personnel Manual

Jane Heidleburg appeared before the Board of Supervisors concerning the proposed personnel manual in review by the Board of Supervisors. Ms. Heidleburg said she has made corrections based on grammar and punctuation. She said the County Administrator Clovis Reed asked her to come to the meeting to answer questions and make changes as instructed by the Board of Supervisors. She said the last manual lasted the County 15 years and said this one should last at least that long. She said that if department heads will learn and implement the manual, it should save time on issues coming before the Board of Supervisors. At the request of Supervisor Thach, Ms. Heidleburg offered to redline policies mandated

in State and Federal law where the Board of Supervisors does not have discretion. She said the manual was developed based largely on lawsuit prevention, and warned that the County must have trained managers who know how to implement the policy. This policy can be taken to court to protect the County if properly used. After discussion, Ms Heidleburg offered to list chapters and headings that cannot be changed by the Board of Supervisors.

Ms. Heidleburg asked if the Board wanted to see the grammatical changes that she has made. Supervisor John Caldwell asked her to hold these items until final approval is being made. Ms. Heidleburg said she has made changes as directed by the Board of Supervisors including the grievance process and the interview process.

Supervisor Eugene Thach said he disagrees with the policy in that everyone should have an appeal process. Ms. Heidleburg explained that this policy is allowed for by State law, and said the Board of Supervisors has the right to listen to anyone they want to listen to, and said this policy is designed to alleviate the mandate for that practice. County Administrator is designed to protect the Supervisors from having to decide issues that are Apoliticked@ heavily. Jane Heidleburg said this is State law. Supervisor Caldwell said the Sheriff=s Department operates this way and so do other offices.

Jane Heidleburg defined the Board of Supervisors authority to hire/fire employees at will. Supervisor Tommy Lewis asked for a list of those employees the Board can hire/fire. She said the list includes the Board Attorney, County Administrator, Road Manager, Comptroller, and Board Secretary. She said the Board secretary works for the Board of Supervisors and County Administrator only because the Board is not here all the time and all employees have to have supervision. The County Administrator said Ms. Heidleburg may want to list statutory requirements in Chapter 3.1000 on page 22 of the manual. The Board Attorney said Codes 19-3-61 and 19-3-71 should be included.

Supervisor Tommy Lewis requested the Board of Supervisors be provided with a list of items they can control. Supervisor Caldwell requested items be marked that will be included in the employee handbook.

Jane Heidleburg discussed the legal importance of adopting the manual. This item was held over until January 19, 1998.

3. Erosion at Stone Creek

This item was held over.

F. NEW BUSINESS

1. Authorizing Travel for all Officials and Employees

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi, is hereby authorized to travel during the period of December 1, 1997, to January 5, 1998, as necessary and incur travel expenses in the performance of their official duties for DeSoto County. That all such travel is hereby authorized contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Eugene Thach made the motion to authorize travel for all officials and employees of DeSoto County for the period of December 1, 1997, to January 5, 1998. Supervisor Jessie Medlin seconded the motion. The **motion passed**

by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

2. Justice Court Report

The DeSoto County Justice Court Clerk, Linda Aldridge, did meet with the Board of Supervisors and presented the Justice Court Report for the month of November 1997, pursuant to Section 9-11-19 of the Mississippi Code of 1972, Annotated.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the Justice Court Report for the month of November, 1997. The vote was as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James D. Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

The motion passed. SEE EXHIBIT F.2.

Ms. Aldridge invited the Board of Supervisors to attend the open house and ribbon cutting at the new Justice Court facility on December 15, 1997 from 11:00 until 2:00. Supervisor Jessie Medlin suggested inviting Ed Spencer, former Director of Operations and Maintenance for the County, who was involved in the work on the building.

3. Bailiff Pay

Pursuant to Section 25-7-27, Section 1, paragraph (e) which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to pay Joe Holmes the amount of \$200.00 for the month of November, 1997; to pay Tommy Carr the amount of \$200.00 for the month of November, 1997; to pay Jerry Easley the amount of \$200.00 for the month of November, 1997, for their service as bailiff for DeSoto County Justice Court. **The motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James D. Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

4. Monthly Road Report and Work Schedule

Road Manager Kenny Gunn met with the Board of Supervisors to present the Road Department Monthly Road Report for the Month of November 1997, and

Work Schedule for the month of December 1997, pursuant to Section 65-17-7 of the Mississippi Code of 1972, annotated.

The Board of Supervisors asked for an update on work in process on several roads throughout the County.

Supervisor Tommy Lewis said the striping contractor should properly dispose of excess paint on the roadsides.

Chancery Clerk Sluggo Davis said the Milton Jones has request the Board of Supervisors direct the Road Manager to do some work on the road shoulders on Robinson Gin Road.

The Road Manager requested the Board of Supervisors authorize the acquisition of right of ways on Poplar Corner Road in anticipation of upcoming work on that road. Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to hire Daniel Murphy to draw up plans for work on this road and to hire Jim Terrell to acquire right of ways. The **motion passed** by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to authorize the Road Manager to look into the length of the work needed on Airways to determine how many right of ways are needed. The **motion passed** by a unanimous vote.

Kenny
Supervisor Tommy Lewis asked if the rip rap was complete on Laughter Road.
Gunn said yes.

Kenny Gunn said the Board had earlier discussed the need for a tire truck but had not authorized to advertise for a bid. The Board of Supervisors discussed the economics of purchasing a tire truck. Kenny Gunn said a savings in down time would be the savings associated with acquiring the truck. Supervisor Tommy Lewis said it would be more cost effective to buy spare tires for the equipment than to buy the truck and pay a driver to operate the vehicle. Supervisor Jessie Medlin suggested using airplane tires on the front of the tractors.

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to accept the Road Report for November, 1997, and Work Schedule for December, 1997. The **motion passed** by a unanimous vote. **SEE EXHIBIT F.4**

5. Inventory Control Dispositions

The Board of Supervisors were given a list of equipment owned by the county that is either unrepairable or not cost effective to repair. Supervisor James Pearson made the motion to accept receipts from the Inventory Clerk pursuant to Section 31-7-107 of the Mississippi Code and did approve the disposition on the report as noted on Exhibit F.5. Supervisor John Caldwell seconded the motion. The **motion passed** by a unanimous vote. **SEE EXHIBIT F.5.**

6. Authorization for Gary D. Smith of Metro Narcotics to Execute All Documents in Connection With Subgrant Number 7NM1171

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Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded
the motion to approve authorizing Gary D. Smith of Metro Narcotics to Execute all documents in connection with Subgrant Number 7NM1171 and accept Gary D. Smith

as commander of DeSoto County Metro Narcotics. The **motion passed** by a unanimous vote. **See Exhibit F.6.**

7. T. H. Walker - Donation of Truck from Red Cross to Magnolia Disaster Relief and Request for County Maintenance

T. H. Walker of Civil Defense came before the Board of Supervisors and said Magnolia Disaster Relief is available to provide drinks and food to disaster relief workers. The Red Cross has a truck to donate for this use. The Red Cross has asked the County to be responsible for the maintenance of the truck and preventive service on the truck.

Supervisor Eugene Thach asked why the County needs the truck? Mr. Walker said although the vehicle will be given to MDR, the County's advantage would be to have a voice in deciding where the truck is used.

Supervisor Tommy Lewis asked what MDR's function is? Mr. Walker said they provide food and drink for relief workers and other aid, such as shelter, in disasters, and cited as an example the ice storm.

Supervisor Jessie Medlin asked how long MDR has been functioning? T. H. Walker said he is not sure, but they were functioning before 1994.

After discussion the Board of Supervisors asked T. H. Walker to request the Red Cross to give the truck directly to MDR and avoid the County's involvement in the upkeep.

8. G. C. Services - Request to Discontinue Collection Services

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to accept the letter from G. C. Services cancelling the agreement for collection services in the County. The **motion passed** by a unanimous vote. **See Exhibit F.8.**

9. Approval to Authorize Publication of Competitive Bids for County Depository and Annual Bids for Central Maintenance

That on this date, the County Administrator, Clovis Reed requested authorization to advertise for bids for the purchase of supplies, equipment and materials for Desoto County Central Maintenance. Therefore, Supervisor Eugene Thach made a motion and Supervisor Tommy Lewis seconded the motion to authorize the Purchase Clerk to obtain bids for the purchase of supplies, equipment and materials for DeSoto County Central Maintenance and authorize advertisement, pursuant to Section 31-7-13(c), of the Mississippi Code of 1972, annotated, in a newspaper having a general circulation in DeSoto County, Mississippi. The motion passed by a unanimous vote.

In accordance with Section 27-105-305 of the Mississippi Code of 1972, which states that at the regular December 1997 meeting in each year and every two years after that the Board of Supervisors shall give notice to all financial institutions in its county whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, by publication, that bids will be received from financial institutions at the following January meeting, or some

subsequent meeting, for the privilege of keeping the county funds, or any part thereof, which notice shall refer by name to this article and it shall not be necessary to incorporate in said notice the provisions of this article; and at the January meeting, or a subsequent meeting as may be designated in the notice as the case may be, the board of supervisors shall receive such bids and designate the kind of security as authorized by law, which the financial institutions propose to give as security for funds, and the board shall cause the county funds and all other funds in the hands of the county treasurer to be deposited in the qualified financial institution or qualified institution proposing the best terms and meeting the requirements provided in

Section 27-105-315 have in view the safety of such funds. The terms made with each depository shall remain in force for the current year and until new arrangements shall be made according to this article. That on this date, the County Administrator, Clovis Reed requested authorization to advertise publication for competitive bids for a County Depository. As set out in Section 27-105-305 of the Mississippi Code, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the depository publication. The **motion passed** by a unanimous vote.

10. Authorization to Advertise for Annual Bids for Food, Paper & Janitorial Supplies at DeSoto County Jail

That on this date, the County Administrator, Clovis Reed requested authorization to advertise for bids for the purchase of food, paper and janitorial supplies at the DeSoto County Jail. Therefore, Supervisor Eugene Thach made a motion and Supervisor Tommy Lewis seconded the motion to authorize the Purchase Clerk to obtain bids for the purchase of food, paper and janitorial supplies at the DeSoto County Jail, and authorize advertisement, pursuant to Section 31-7-13(c), of the Mississippi Code of 1972, annotated, in a newspaper having a general circulation in DeSoto County, Mississippi. The motion passed by a unanimous vote.

11. Approval of Rate Increases for EMS Paramedic Charges

The County Administrator, Clovis Reed, on behalf of Bobby Storey, County EMS Director did present a list of the proposed rate increases for DeSoto County EMS paramedic charges. This proposal is a 15% increase across the board with additional charges to be added for paramedic services. The Board discussed the issues of the rate increase and said the cities must be in agreement with this proposal. Supervisor Eugene Thach asked if Horn Lake had agreed to the increase. Clovis Reed said that Bobby Storey has indicated they are in agreement.

Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to approve the EMS increase as presented contingent on the cities approval. The **motion passed** by a unanimous vote.

G. EXECUTIVE SESSION

1. Personnel - Central Maintenance
2. Personnel - Fire/EMS